

## REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on March 2, 2005, the Examiner rejected claims 1-11 and 66-76.

### Objections under 35 U.S.C. § 112

In the Office Action, the Examiner objected to claims 1-11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

In claim 1, the phrase "total funds" is well known in the field of accounting to indicate a total quantity of money. The phrase "total funds available from said actual account" refers to the total amount of money available from said actual account.

In claim 1, the phrase "managing said job-based budget based on said comparison through" has been amended to state "managing said job-based budget based on said results of said comparison".

In claim 66, the phrase "job-based allocation accounts" is supported by the specification on page 5, line 2 – page 6, line 15. "Job accounts represent various jobs or projects and are each designated by an envelope icon and job number; the allocation accounts are designated by an envelope icon representing allocations or categories of transactions such as, e.g., materials, labor, permits, paint subcontractors, facilities, or insurance". Specification, Page 5, Lines 6-10. Based on the provided disclosure, it is clear to one skilled in the art that a "job-based allocation account" is an "allocation account" based on a job.

### Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-11 and 66-76 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,144,848 to Walsh et al in view of Official Notice. Applicants respectfully traverse.

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. *In re John R. Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Any such suggestion must be found in the prior art, and not based on applicant disclosure. *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). A clear and particular showing of the suggestion to combine is required to support an obviousness rejection under Section 103. *Id.*

The Examiner states that the combination of the wireless account management of Walsh combined with known techniques of job-based management teach the claimed inventions. The proposed combination fails to teach the claimed invention and fails to meet the requirement of providing a sufficient motivation to combine. The Examiner appears to be taking Official Notice of the motivation to combine in addition to all job-based account management techniques. This degree of Official Notice is clearly improper. In previous Office Actions, the Examiner has made obviousness rejections on the claimed inventions citing both the virtualpayroll.com article and US Patent No. 6,347,306 to Stuart, it is improper to utilize Official Notice when a reference

is no longer available. Applicants request that the Examiner provide a specific reference for the concepts that are suggested to be well known in the field.

Walsh discloses a handheld computer device that includes wireless data communication capabilities. Column 3, Line 19 – Column 4, Line 47. Walsh does not teach managing an account in any way. Claim 29 is directed at “A telecommunication method for low power, error-free, secured transmission of confidential information from a low power handheld user device to a host server over a telecommunication path”. Walsh merely teaches transferring data wirelessly. Applicants request that the Examiner cite the specific portions of Walsh which pertain to account management, and which provide a clear motivation for the proposed combination.

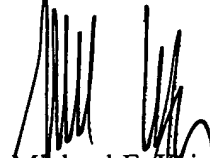
Applicants disagree that all of the job-based accounting techniques claimed in the present invention are known in the field because of existing manual practices. The techniques used to efficiently implement job-based management on a wireless computer device are significantly different than the techniques used by hand. Therefore, the claimed inventions are not automatic implementations of the manual processes used for these accounting techniques. Rather, the claimed inventions are adaptations of job-based account management techniques that enable a user to obtain the results of manual job-based accounting in a more efficient manner.

### CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 7 day of April, 2005.

Respectfully submitted,

  
Michael F. Krieger  
Attorney for Applicants  
Registration No.: 35,232

KIRTON & McCONKIE  
1800 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 321-4814  
Facsimile: (801) 321-4893

THB/LC  
DOCS-#818869-v1-Amendment\_&\_Response.DOC